

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

The Examiner has requested that the applicants ensure that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing figures as required by 37 C.F.R. § 1.84(p)(5). Applicants have reviewed the specification and the drawings. All reference characters in the drawings are described in the detailed description of the specification and all reference characters in the specification are included in the appropriate drawings.

The applicants have inserted subheadings into the specification of the captioned application as recommended by the Examiner.

Claims 5-11 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Applicants have amended claims 5-11 to remove the improper multiple dependencies. Accordingly,

claims 5-11 are in proper dependent form. Withdrawal of the objection is respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite based on the language of claim 1, i.e., there is no antecedent basis for "the base" (line 5), "the head" (line 9), etc. Claims 1-4 have been amended to provide proper antecedent basis and to better conform to U.S. claim practice, e.g., removal of reference numbers. Withdrawal of the § 112, second paragraph, rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. § 102(b) over either one of CH 298831 (Colla) or GB 728,476 (Gaggia).

Claim 1 is the sole independent claim. Claim 1 claims an apparatus for making espresso coffee including a support frame and a vertically mounted open-topped cylinder mounted on the support frame. The frame and cylinder define a space below the cylinder adapted to receive a block of compressed ground coffee and below which a cup to receive coffee may be inserted. The apparatus further includes a means for locating a quantity of ground coffee adjacent a base of the cylinder, a piston adapted to fit in the cylinder, and an actuation means linked to the piston enabling the piston to be moved up and down in the cylinder by the actuation means. Associated with the piston is a

one-way valve mechanism for enabling water to pass from above to below a head of the piston as the piston is raised within the cylinder by the actuation means.

Colla teaches a coffee press including a support 2, cylinder 1 with a cover 12, press rod 9 with two metal plates 7 having a water-tight disk 8 therebetween, a grate 5 and dispensing spouts 6. In use, ground coffee and water are placed through the opening into cylinder 1, cover 12 with rod 9 therethrough positioned to close the top opening and, following adequate steeping, downward pressure is placed on knob 11 to depress rod 9 and thus plates 7 and disk 8 causing the steeped liquid to exit spouts 6 into cups positioned therebelow. Water-tight disk 8 moves liquid downward and prevents water from passing upward in cylinder 1 and grate 5 retains the coffee grounds in cylinder 1. In a variation, elasticity may be provided to the piston head. Thus, Colla does not teach a one-way valve mechanism for enabling water to pass from above to below a head of a piston as the piston is raised within the cylinder as claimed. Accordingly, Colla does not teach each and every element of the claimed invention within the meaning of 35 U.S.C. § 102(b). Withdrawal of the § 102 rejection is respectfully requested.

Gaggia teaches an "express" coffee machine of the

kind in which a cylinder connected to a boiler contains a piston provided with a lifting means adapted to lift the piston against an action of a spring, thereby permitting water to enter the piston. The piston is lowered by the action of the spring to eject the water through the bottom of the cylinder which is constituted by a removable filter adapted to contain coffee powder. Upward movement of the piston 4 compresses a spring 13 which returns the piston to its bottom position when the lifting handle 7 is released. A filter 14 adapted to receive coffee powder is removably connected to the lower end of the cylinder by a bayonet coupling. (See page 2, lines 7-13). Passages 15 provided in the piston register with ports 16 provided in a ring 17 when the piston 4 is at the upper limit of its stroke and permits water from the boiler to enter a cavity 18. The pressure of the water in the cavity opens a check valve 19 against the pressure of a return spring 20, so that the water discharges onto a perforated spray plate 21 through which it passes to the filter 14. (See page 2, lines 14-23). Cavity 18, into which the water from the boiler enters, is below the piston 4. Accordingly, Gaggia does not teach any structure enabling water to pass from above to below a head of the piston as the piston is raised in the cylinder as claimed. In Gaggia, the water is not above the

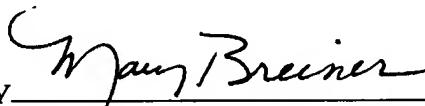
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piston, but enters into cavity 18 which is below the piston.
Accordingly, Gaggia does not teach each and every element of
the claimed invention within the meaning of 35 U.S.C. §
102(b). Withdrawal of the § 102 rejection is respectfully
requested.

Reconsideration and allowance of the claims is
respectfully urged.

Respectfully submitted,

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